

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6572 of 1986

Date of decision: 18-2-98

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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VIRBALABEN M THAKAR

Versus

DIRECTOR  
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Appearance:

None present for Petitioner

None present for Respondent No. 1, 2, 3  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 18/02/98

## ORAL JUDGEMENT

Perused the special civil application.

The petitioner, a Proof Reader of the Government Central Press, Gandhinagar, has filed this special civil application and prayer has been made for reliefs inter alia that this Court may declare that the action of the respondents in not allowing the petitioner to resume her duties on and from 27-2-1985 till today is illegal, without jurisdiction and beyond the scope of their authorities and in the nature of penalty under Article 311 of the Constitution of India. Further consequential prayers have also been made, inclusive of declaration that the enquiry ordered against her be declared to be illegal and arbitrary.

2. This matter had come up for admission before this court on 31st December, 1986, when the Court admitted the petition and granted ad interim relief in terms of para 4(e). Para 4(e) of the petition reads as under:

"4(e) : Pending hearing and final disposal of the present special civil application, the respondent be directed to allow the petitioner to perform her duties as proof reader in the office of the Respondent No.2 from today".

This Court further directed the respondent to allow the petitioner to perform duties on receipt of the writ. The petitioner was also given direction to join duties immediately. Liberty was given to the respondents to pass appropriate order regarding suspension in view of the fact that inquiry was pending.

3. After the aforesaid order, what subsequent developments have taken place have not been brought on record either by the petitioner or by the respondents. However, petitioner was allowed to join duties and inquiry which was initiated against her was not ordered to be stayed. There is possibility that the inquiry would be completed. Substantial grievance of the petitioner was against the action of the respondents not allowing her to join duty, and that has been granted. In view of this fact now nothing survives in this special civil application and by passage of time it has become infructuous. The petition is dismissed as having become infructuous. In case still any grievance of the petitioner remains to be decided by the respondents, she is at liberty to make representation to the appropriate authority. In case such representation is made, the concerned authority shall decide the same in accordance

with law by passing a speaking order and copy of the same shall be sent to the petitioner by registered post. In case of any difficulty, liberty is granted to the petitioner for revival of this special civil application. No order as to costs.

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